

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	No. 17-cr-80-FPG-HKS
-against-	:	
	:	
AIDA RAMIREZ-ARRELLANO,	:	
	:	
Defendant.	:	
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated September 15, 2017; the accompanying declaration of Aida Ramirez-Arellano, dated September 13, 2017; the accompanying declaration of Daniel P. Harris, dated September 15, 2017, together with the exhibits thereto; the accompanying declaration of Lars Schou, dated September 12, 2017, together with the exhibits thereto; and all prior pleadings and proceedings therein, Ms. Ramirez will move this Court, by counsel, before the Honorable Frank P. Geraci, Jr., Chief United States District Judge, at a date, time, and place to be determined by this Court, to dismiss the indictment under the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules, on the grounds that her prior removal resulted from a constitutionally defective process that cannot serve as a predicate for a prosecution under 8 U.S.C. § 1326.

Ms. Ramirez further requests an evidentiary hearing if the Court cannot resolve the issue based on the parties' written submissions.

Dated: September 15, 2017  
New York, New York

Respectfully submitted,

s/Daniel P. Harris  
Daniel P. Harris  
Alejandro A. Herrera  
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